

### **REMARKS**

This paper responds to the Office Action mailed on July 24, 2008.

No claims are amended, claims 1-13 are canceled without prejudice or disclaimer, and claims 14-34 are added; as a result, claims 14-34 are now pending in this application.

The presented claims are believed to be directed to subject matter that was allowed in the corresponding EP application.

#### **§112 Rejection of the Claims**

Claims 2 and 13 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. These claims are cancelled. Accordingly, the rejection thereof is no moot.

#### **§102 Rejection of the Claims**

Claims 1-7 and 9-13 were rejected under 35 U.S.C. § 102(b) for anticipation by Kearney (U.S. Patent No. 5,424,209). These claims are cancelled. Accordingly, the rejection thereof is no moot.

#### **§103 Rejection of the Claims**

Claim 8 as rejected under 35 U.S.C. § 103(a) as being unpatentable over Kearney (U.S. Patent No. 5,424,209) in view Pfaller (U.S. Patent No. 6,329,195 B1). These claims are cancelled. Accordingly, the rejection thereof is no moot.

#### **New Claims**

Applicant herein adds new claims 14-34. These claims are believed allowable and examination thereof is requested. For example, independent claim 14 recites, in part, "a video-assisted microscopic observation system to observe the at least one cell culture in the at least one cell culture chamber, wherein the video-assisted microscopic observation system comprises a camera, a microscope attachment connected to the camera, and a displaceable table on which the camera is installed, wherein the observation system includes control software on which approach

positions are stored.” Applicant can not find these features in the applied documents (Kearney and Pfaller).

### CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s representative at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 24, 2008.

PATRICIA A. HULTMAN

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Name

  
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Signature